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ELEMENTS OF THE LAW OF DAMAGES. By ARTHUR GEORGE SEDGWICK. 2nd ed. Boston: LITTLE, BROWN & Co. 1909. pp. xxxv, 368.

The first edition of this book, one of the volumes in the Student's Series, appeared in 1896. Substantially all of the text and notes of the original edition are now reproduced unchanged in a volume of the conventional law book form, in larger, and therefore, much more satisfactory, type. A considerable amount of new matter appears, both in the text and in the illustrative cases, and a considerable number of new cases are cited. New chapters, on Eminent Domain, Conflict of Laws, and Pleading and Practice appear.

The plan of the book is to give a brief exposition of the topic under consideration, then to state conclusions in the form of concise rules, printed in italics, and to follow these rules, one hundred and ten of which are given, by brief statements of illustrative cases, the facts and holdings being given in a few lines. This arrangement would seem to be well suited to class room work in schools where text books are used.

One of the topics newly treated is that of Mental Suffering. The author has briefly stated the divergent holdings of the courts, and favors the position that the right to recover where there is material damage resultant from fright should depend upon whether the injury is the proximate result of the wrongful conduct of the defendant.

The doctrine based upon the case of *Smith v. Boles*,<sup>1</sup> that where a purchase is induced by fraudulent representations, the amount recovered cannot exceed the sum paid by the buyer, is adversely criticised, the author's view being that whether action is brought upon a warranty or in tort, the measure of recovery should be the difference in value between the article as it is and as it should have been to correspond with the warranty, provided such difference can be proved as required by the rule of certainty.

The writer in stating (p. 218) that in case of Eminent Domain in New York, benefits, general and special, may be set off, appears to have overlooked the case of *Matter of State of New York*,<sup>2</sup> holding that benefits cannot be set off against the value of the land taken.

The reference to the usual equitable action brought against the Elevated Railroad Companies in New York City as a "ordinary, common-law action," while apparently intended to distinguish these actions from Condemnation Proceedings, is apt to be misleading.

Writers of Damages find it difficult not to discuss mooted questions of substantive law. The author's statement of Interference with Contract (p. 211 *et seq.*) has very little relation to the law of Damages, and the discussion of the substantive law of the complex labor cases is not of sufficient value to warrant its being dragged into this hand-book.

A. H., Jr.

DRAWING WILLS AND THE SETTLEMENT OF ESTATES IN PENNSYLVANIA. By JOHN MARSHALL GEST. Philadelphia: T. & J. W. JOHNSON Co. 1909. pp. xx, 152.

This little book, containing as we are informed in the preface two series of lectures recently delivered by Mr. Gest before the law students of the University of Pennsylvania, should be welcomed by the

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<sup>1</sup>(1889) 132 U. S. 125.

<sup>2</sup>(1907) 190 N. Y. 350.